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KENYON & KENYON
1500 K STREET, N.W., SUITE 700
WASHINGTON, DC 20005

EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

2164

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/227406

Applicant(s)

Miller

Examiner

Aken, G

Group Art Unit

2164

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/4/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 30-42 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 30-42 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☒ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 2164

DETAILED ACTION

Response to Continued Prosecution Application

1. This action is in reply to applicant's CPA(Paper #17) and applicant's Amendment F also filed 2/4/02 with respect to this CPA.
2. Applicant amended claims 30,36.
3. Claims 30-42 are pending and were examined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30-42 are rejected under 35 USC 103(a) as unpatentable over Lancelot(US Pat. No: 5,946,659) in view of Jachmann(US Pat. No: 5,146,439) in view of Evans(US Pat. No: 5,924,074) and further in view of Medical-ogids Logicon and related products. MedicaLogic is disclosed in four MedicaLogic press releases dated: January 27, 1997, February 17, 1997, October 27, 1997 and November 10, 1997. MedicaLogic is also disclosed in a June 1996 article in Health Management Technology by Dunbrack and in a June 5, 1995 article in Network World of June 5, 1995 by Messmer.
- 6.(AMENDED) As per claims 30 and 36, Lancelot teaches a computer-implemented method for automating administrative procedures in a medical office,said method comprising the steps of:

Art Unit: 2164

maintaining an office automation system configured to automatically perform a plurality of labor intensive tasks relating to administration of physician transcription tapes in order to reduce manpower requirements and overhead costs to run a medical office, the office automation system including a database containing provider information and patient information(Fig 1A/19)(Figs 10/1010)(Fig 11/1110)(Fig 12). Jachman teaches a complete integrated records management system having the capability to record and transcribe dictation which may be utilized by physicians(Abstract)(col 2 lines 28-45)(col 4 line 37-68)(col 5 lines 46-67). Lancelot shows automation system in Fig. 1B with a description of the system in the paragraph starting on column 4, line 12. Jachman teaches inputting digital representations of the contents of a plurality of physician transcription tapes to the automation system (Abstract)(col 2 lines 28-45)(col 4 line 37-68)(col 5 lines 46-67). Lancelot teaches generating reports from the office automation system, automatically populating fields in the reports with information from the database where appropriate; and discloses a database on column 6, line 50. Several reports are shown in Figures 10 to 12. In Figure 11, a choice list is shown which allows the user to populate the report with information from the database supporting performance of one or more administrative tasks by an off-site service provider, including managing an electronic information exchange between the off-site service provider and the office automation system(Fig 11/1140). Lancelot teaches one or more administrative reports being of a type selected from a group consisting of departmental management reports including pending or daily patient visits(Fig 9/905)(Fig 11/1110). Jachmann teaches daily revenue transaction reports(col 2 lines 28-45)(col 4 line 37-68)(col 5 lines 46-67).

Art Unit: 2164

Evans teaches including telephone conferences and office conferences(Fig (6/134)(col 11 lines 66- col 12 line 8) and deposition testimony trial and arbitration testimony(Fig 5/124)(col 14 lines 59- 64) as well as editing dictation(col 15 lines 1-67).Evans teaches workload status reports including reports relating to the status of rough drafts, medical record reviews(Fig 2/112/116)(Fig 5/152)(Fig 7).Lancelot teaches bill reports(Fig 11/1110).Jachmann teaches transcription status reports including reports relating to the status of pending dictations with physician for dictation and signature(Abstract)(Fig 2A/180/170).Lancelot teaches a chart location report(col 6 lines 36- 67).It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine Lancelot in view of Jachmann is to teach a medical records management operation for merging data, which can be combined with transcribed information so that data files are updated accordingly as enunciated by Jachmann(col 2 lines 45-60).Furthermore, it would also have been obvious to one skilled in their art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine is to teach a a method of using an electronic medical records system having a patient data repository including obtaining a patient identifier, location of patient records and managing a patient care repository as enunciated by Evans(col 3 lines 4-44).Finally, Medicalogic teaches the computer-implemented subscription service of claim 30, wherein the requested office administration task comprises chart preparation.Electronic charts are disclosed by MedicaLogic in the January 27, 1997 press release in fourth paragraph.It would have been obvious to one skilled

Art Unit: 2164

in the art at the time of the invention to combine Lancelot in view of Jachmann in view of Evans and further in view of MedicaLogic to teach all the above. The motivation to combine is to teach a complete patient data repository system performed electronically relating to diagnosis, transcription of physician analyses and orders as enunciated by MedicaLogic.

7. As per claims 31 and 37, Medicalogic teaches a computer-implemented subscription service for automating administrative procedures in a medical office, said subscription service comprising: maintaining a database at a subscriber service center, said database containing information relating to a plurality of subscribers; providing each of said subscribers with a computer-based office automation system configured to exchange data electronically with said subscriber service center; receiving at said subscriber service center a request for performance of an office administration task(including transancription) and performing the requested office administration task at said subscriber service center; and electronically transmitting information relating to performance of the office administration task back to said computer-based office automation system. These features are shown starting in the first paragraph on the second page of the February 17, 1997 MedicaLogic press release which describes the features of Logician 4.2. Links to any clinical data repository, electronic links and administrative tasks are disclosed. Database functionality is also disclosed in the Network World article of June 5, 1995 on the second column. MedicaLogic discloses subscription service in the- Dunbrack article. On page 34, first column, MedicaLogic integrated Logicon with Reynolds and Reynolds' R2000 product. On the same page on the next column, it was disclosed that Reynolds and Reynolds' R2000 has been implemented in almost 100

Art Unit: 2164

service bureaus. It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine Lancelot in view of Jachmann is to teach a medical records management operation for merging data, which can be combined with transcribed information so that data files are updated accordingly as enunciated by Jachmann(col 2 lines 45-60).Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine is to teach a method of using an electronic medical records system having a patient data repository including obtaining a patient identifier, location of patient records and managing a patient care repository as enunciated by Evans(col 3 lines 4-44).Finally, Medicalogic teaches the computer-implemented subscription service of claim 30, wherein the requested office administration task comprises chart preparation.Electronic charts are disclosed by MedicaLogic in the January 27, 1997 press release in fourth paragraph.It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann in view of Evans and further in view of MedicaLogic to teach all the above. The motivation to combine is to teach a complete patient data repository system performed electronically relating to diagnosis, transcription of physician analyses and orders as enunciated by MedicaLogic.

8. As per claim 32 and 38, Medicalogic the computer-implemented subscription service of claim 30, wherein the requested office administration task comprises transcription of a dictation tape.

Art Unit: 2164

MedicaLogic discloses transcription in the January 27, 1997 press release. It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine Lancelot in view of Jachmann is to teach a medical records management operation for merging data, which can be combined with transcribed information so that data files are updated accordingly as enunciated by Jachmann(col 2 lines 45-60). Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine is to teach a method of using an electronic medical records system having a patient data repository including obtaining a patient identifier, location of patient records and managing a patient care repository as enunciated by Evans(col 3 lines 4-44). Finally, Medicalogic teaches the computer-implemented subscription service of claim 30, wherein the requested office administration task comprises chart preparation. Electronic charts are disclosed by MedicaLogic in the January 27, 1997 press release in fourth paragraph. It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann in view of Evans and further in view of MedicaLogic to teach all the above. The motivation to combine is to teach a complete patient data repository system performed electronically relating to diagnosis, transcription of physician analyses and orders as enunciated by MedicaLogic.

9. As per claims 33 and 39, Evans teaches the computer-implemented subscription service of claim 23, wherein the information relating to performance of the office administration task

Art Unit: 2164

comprises a computer file containing a transcription of the dictation tape(Fig 14/227).MedicaLogic also discloses transcription in the January 27, 1997 press release and the methodology is explained in the bottom of the first page and top of the second page. It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine Lancelot in view of Jachmann is to teach a medical records management operation for merging data, which can be combined with transcribed information so that data files are updated accordingly as enunciated by Jachmann(col 2 lines 45-60).Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine is to teach a method of using an electronic medical records system having a patient data repository including obtaining a patient identifier, location of patient records and managing a patient care repository as enunciated by Evans(col 3 lines 4-44).Lancelot discloses a computer-implemented method for automating administrative procedures in a medical office as shown in claim 13 above with an off-site service provider, but does not disclose off-site tape transcription. Jachmann discloses off-site tape transcription as shown in column 3, line 12 and medical office uses are disclosed in the abstract. It would have been obvious to combine Lancelot and Jachmann since the addition of off-site transcription is disclosed by Jachmann and would make Lancelot's application more useful. Finally, Medicalogic teaches the computer-implemented subscription service of claim 30, wherein the requested office administration task comprises chart preparation.Electronic charts

Art Unit: 2164

are disclosed by MedicaLogic in the January 27, 1997 press release in fourth paragraph. It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann in view of Evans and further in view of MedicaLogic to teach all the above. The motivation to combine is to teach a complete patient data repository system performed electronically relating to diagnosis, transcription of physician analyses and orders as enunciated by MedicaLogic.

10. As per claim 34 and 40, Jachmann teaches the computer-implemented method of claim 33 further comprising the step of receiving a transmission of a transcription from an off-site provider (F2A/110/120/150/170/180). It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine Lancelot in view of Jachmann is to teach a medical records management operation for merging data, which can be combined with transcribed information so that data files are updated accordingly as enunciated by Jachmann (col 2 lines 45-60). Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine is to teach a method of using an electronic medical records system having a patient data repository including obtaining a patient identifier, location of patient records and managing a patient care repository as enunciated by Evans (col 3 lines 4-44). Lancelot discloses a computer-implemented method for automating administrative procedures in a medical office as shown in claim 13 above with an off-site service provider, but does not disclose off-site

Art Unit: 2164

tape transcription. Jachmann discloses off-site tape transcription as shown in column 3, line 12 and medical office uses are disclosed in the abstract. It would have been obvious to combine Lancelot and Jachmann since the addition of off-site transcription is disclosed by Jachmann and would make Lancelot's application more useful. Finally, Medicalogic teaches the computer-implemented subscription service of claim 30, wherein the requested office administration task comprises chart preparation. Electronic charts are disclosed by MedicaLogic in the January 27, 1997 press release in fourth paragraph. It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann in view of Evans and further in view of MedicaLogic to teach all the above. The motivation to combine is to teach a complete patient data repository system performed electronically relating to diagnosis, transcription of physician analyses and orders as enunciated by MedicaLogic.

11. As per claim 35, Medicalogic teaches the computer-implemented subscription service of claim 30, further comprising the step of generating a report from the computer-based office automation system using the information relating to performance of the office administration task. It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann and further in view of Evans to teach the above. The motivation to combine Lancelot in view of Jachmann is to teach a medical records management operation for merging data, which can be combined with transcribed information so that data files are updated accordingly as enunciated by Jachmann (col 2 lines 45-60). Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of

Art Unit: 2164

Jachmann and further in view of Evans to teach the above. The motivation to combine is to teach a a method of using an electronic medical records system having a patient data repository including obtaining a patient identifier, location of patient records and managing a patient care repository as enunciated by Evans(col 3 lines 4-44).Finally, Medicalogic teaches the computer-implemented subscription service of claim 30, wherein the requested office administration task comprises chart preparation.Electronic charts are disclosed by MedicaLogic in the January 27, 1997 press release in fourth paragraph.It would have been obvious to one skilled in the art at the time of the invention to combine Lancelot in view of Jachmann in view of Evans and further in view of MedicaLogic to teach all the above. The motivation to combine is to teach a complete patient data repository system performed electronically relating to diagnosis, transcription of physician analyses and orders as enunciated by MedicaLogic. This feature is disclosed in the February 17, 1997 MedicaLogic press release on the third full paragraph of the second page.

12. As per claim 41 Lancelot teaches a computer readable storage medium of claim 36 wherein the computer storage medium comprises a portable storage device(Fig 1B).

13.As per claim 41 Lancelot teaches a computer readable storage medium of claim 36 wherein the computer storage medium comprises a memory of a computer(Fig 1B/41/46).

Conclusion

14. **THIS ACTION IS MADE NON FINAL.**

Art Unit: 2164

Questions concerning this communication should be addressed to the examiner, Dr. Geoffrey Akers, P.E. who can be telephoned at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, SPE, may be contacted at (703)-308-1065.

GRA/February 25, 2002